

RICHARDS, LAYTON & FINGER

A PROFESSIONAL ASSOCIATION

ONE RODNEY SQUARE

920 NORTH KING STREET

FREDERICK L. COTTRELL, III
DIRECTOR

WILMINGTON, DELAWARE 19801
(302) 651-7700
FAX (302) 651-7701
WWW.RLF.COM

DIRECT DIAL NUMBER
302-651-7509
COTTRELL@RLF.COM

August 22, 2005

VIA E-FILING AND HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court for the District of Delaware
844 King Street
Wilmington, DE 19801

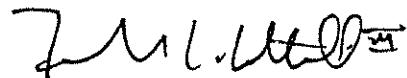
Re: Applera Corp., et al. v. Thermo Electron Corp., C.A. No. 04-1230-GMS

Dear Judge Sleet:

I write on behalf of Thermo Electron Corporation ("Thermo") in response to the letter submitted to Your Honor on Friday, August 19, 2005 by plaintiffs Applera Corporation, MDS Inc. and Applied Biosystems/MDS Sciex Instruments (collectively, "AB/Sciex") in the above-captioned matter. Last week, counsel for Thermo contacted counsel for AB/Sciex to request a draft of AB/Sciex's agenda letter prior to filing for the purpose of determining whether Thermo needed to add anything so that the letter accurately reflected Thermo's position on the dispute. Thermo received a draft on Friday morning and believed its argumentative nature violated the provision in the Scheduling Order that such a letter merely present an agenda and it did not accurately present Thermo's positions. Accordingly, counsel for Thermo provided AB/Sciex's counsel with suggested changes to the proposed letter. AB/Sciex's counsel unilaterally decided to file the letter without Thermo's changes.

Thermo looks forward to presenting its argument on the merits to Your Honor during the teleconference tomorrow. As always, if Your Honor has any questions, counsel remains available at the Court's convenience.

Respectfully,



Frederick L. Cottrell, III

FLC:kef

cc: Clerk of the Court (by e-filing and hand delivery)
Josy W. Ingersoll, Esquire (by e-filing and hand delivery)
Jeffrey S. Ginsberg, Esquire (by facsimile)